

ENTERED

TAWANA C. MARSHALL, CLERK
THE DATE OF ENTRY IS
ON THE COURT'S DOCKET



The following constitutes the ruling of the court and has the force and effect therein described.

A handwritten signature in black ink, appearing to read "Robert L. Jones", is written over a horizontal line.

United States Bankruptcy Judge

Signed April 20, 2011

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

In re:	§	Chapter 11
	§	
American Housing Foundation,	§	Case No.: 09-20232-RLJ
	§	
Debtor.	§	

INTERIM ORDER GRANTING EMERGENCY MOTION FOR INTERIM AND FINAL
ORDER ESTABLISHING PROCEDURES FOR CERTAIN ADVERSARY
PROCEEDINGS FILED BY TRUSTEE UNDER
11 U.S.C. §§ 541, 544, 547, 548, OR 553
[Related Docket No. 2348]

This matter having come before this Court on the *Emergency Motion for Interim and Final Order Establishing Procedures for Certain Adversary Proceedings Filed by Trustee Under 11 U.S.C. §§ 541, 544, 547, 548, or 553* [Docket No. 2348] (the “**Motion**”)¹ filed by Walter O’Cheskey, the duly appointed and acting trustee (the “**Trustee**”) of the AHF Liquidating Trust,

¹ All capitalized terms not defined herein shall have the meaning ascribed to them in the Motion.

the Court finds that the relief requested in the Motion is in the best interests of AHF, its estate, the creditors thereof, and all other parties-in-interest; and the Court finds that adequate notice of the Motion has been given and, thus, no other notice need be given; and good and sufficient cause exists for granting the relief requested in the Motion. Therefore, it is

ORDERED that the Motion is **GRANTED ON AN INTERIM BASIS**. It is further

ORDERED that:

- a. The Clerk of the Court shall defer issuing a summons and scheduling order after the filing of a Ch. 5 COA unless and until the Trustee indicates that he intends to pursue the claims in a Ch. 5 COA.
- b. The time period for serving a summons and complaint under Fed. R. Civ. P. 4(m), Rule 7004, and any other rule or procedure is extended to, and including, October 18, 2011.
- c. The Trustee may seek to further extend the time period through a motion to the Court.
- d. The Trustee shall serve a copy of this Order if and when the Trustee serves process on the defendant.
- e. All Ch. 5 COAs are hereby stayed until (i) the Trustee either serves the summons, a copy of the complaint and a copy of this Order, (ii) the Trustee dismisses the Ch. 5 COA or (iii) this Court issues a further order terminating the Stay Period.
- f. The Trustee may amend any complaint related to the Ch. 5 COAs and/or dismiss it without further approval by the Court or any party.

ORDERED that a final hearing on the Motion is scheduled for May 24, 2011, at 10:00 a.m. before the Honorable Robert L. Jones, United States Bankruptcy Court for the Northern District of Texas, at Room 100, 624 South Polk, Amarillo, Texas (the “**Final Hearing**”). It is further

ORDERED that no later than five (5) business days after the date of this Order, Trustee’s counsel is directed to serve a copy of the Interim Order on all parties listed below. It is further

ORDERED that this Interim Order shall be effective from entry through and including

the date a final order is entered after the Final Hearing on the Motion. This Interim Order shall remain in effect notwithstanding any objection until further order of this Court. It is further

ORDERED that the deadline for filing objections to the Motion shall be May 17, 2011, seven days prior to the Final Hearing. It is further

ORDERED that the Trustee shall serve a copy of this Order within five days of its entry, via electronic service or first class mail, only on those parties named as a defendant in any Ch. 5 COA. Serving a copy of this Order shall serve as sufficient notice of the Final Hearing and the deadline for objections.

End of Order

Prepared and Submitted by:

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